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SANRIO COMPANY, LTD. and SANRIO, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANRIO COMPANY, LTD., a Japanese
corporation and SANRIO, INC., a California
corporation,

Plaintiffs,

vs.

J.I.K. Accessories, Inc., Accessitive
Accessories, Inc., B.B. Apparels Inc., Amuseco
Accessories, Inc., Nana Accessory, Inc., Seanna
Corporation, Heiress Enterprises, Inc., Pinkland
Corporation, Inc., Bliss, Final Choice, Joon Sik
Bae, Yong Woo Kim, Any Bae, Jason Bae,
Brian Ban, Ryan Bae, Ho Yong Na, Sang Wha
Kim, Aeran Bae a/k/a Chris Bae, Jenny J. Lee,
Sukmin Bae, John Bae, Lisa Bae, Grace Kim,
Ken Chung, Yeun Sik Cha, Debbie Kim, DOES
1- 10,

Defendants

Civil Action No. C 09-00440 MHP

STIPULATED FACTS AND
CONCLUSIONS OF LAW IN SUPPORT
OF ~~[PROPOSED]~~
FINAL JUDGMENT ON CONSENT:
J.I.K. ACCESSORIES, INC.,
ACCESSITIVE ACCESSORIES, INC.,
B.B. APPARELS INC., AMUSECO
ACCESSORIES, INC., JOON SIK BAE
A/K/A JASON BAE, ANDY BAE, AND
BRIAN BAE

WHEREAS, on January 30, 2009, Sanrio Company, Ltd. and Sanrio, Inc. ("Plaintiffs")
initiated the instant action against the named defendants as set forth above for trademark
infringement in violation of 15 U.S.C. § 1114, et seq.; copyright infringement in violation of 17

STIPULATED FACTS AND CONCLUSIONS OF LAW IN SUPPORT OF
[PROPOSED] JUDGMENT ON CONSENT: J.I.K. ACCESSORIES, INC. ET AL

C 09-00440 MHP

1 U.S.C. § 501, et seq.; unfair competition in violation of 15 U.S.C. §1125(a) et seq., as amended;
2 unfair competition under the law of the State of California, Cal. Bus. & Prof. Code § 17200 et
3 seq.; and common law unfair competition.

4 WHEREAS, Defendants J.I.K. Accessories, Inc., Accessitive Accessories, Inc., B.B.
5 Apparels Inc., Amuseco Accessories, Inc., Joon Sik Bae a/k/a Jason Bae, Andy Bae (erroneously
6 sued herein as Any Bae), Brian Bae (erroneously sued herein as Brian Ban and Ryan Bae)
7 (collectively, “Defendants”) and Plaintiffs have concluded a settlement resolving Plaintiffs’
8 claims against these Defendants in this civil action;

9 WHEREAS, the Plaintiffs and Defendants (the “Parties”) wish to resolve this civil action
10 through the entry of Judgment on Consent;

11 WHEREAS, without admitting that they knowingly infringed Plaintiffs’ rights and
12 specifically denying same, Defendants consent to the entry of Judgment on Consent;

13 WHEREAS, each Party has waived the right to appeal from the Judgment on Consent;

14 NOW THEREFORE, the Parties stipulate to the following facts and conclusions of law:

15 **STIPULATED FACTS**

16 1. Plaintiff Sanrio Co., Ltd. (“Sanrio”) is a Japanese corporation and maintains its
17 principal place of business located at 1-6-1 Osaki, Shinagawa ku, Tokyo 141-8603, Japan.
18 Plaintiff Sanrio, Inc. is a California corporation and maintains its principal place of business at
19 570 Eccles Avenue, South San Francisco, California 94080.

20 2. Since 1960, Sanrio Co., Ltd. has been engaged in the business of manufacturing,
21 distributing and selling products for use by children and young adults. All of Sanrio’s products
22 are marked with the SANRIO trade name and mark. Since 1976, Sanrio, Inc. has been the
23 exclusive United States distributor of the products of Sanrio Co., Ltd. and is currently the
24 exclusive United States master licensee of the rights in and to the SANRIO trademarks and
25 copyrights.

26 3. Sanrio is the creator and owner of the famous HELLO KITTY,
27 KEROKEROKEROPPI a/k/a KEROPPI, and CHARMMY KITTY characters, as well as many
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1 other characters, as depicted in Exhibit 2 of the Complaint in this action. Since 1976, most of
2 Sanrio's merchandise marketed in the U.S. has displayed HELLO KITTY character artwork on
3 the products and product packaging. Since 1988, KEROPPI character artwork has appeared on
4 numerous Sanrio products and product packaging marketed in the U.S. Since 2004,
5 CHARMMY KITTY character artwork has appeared on numerous Sanrio products and product
6 packaging marketed in the U.S.

7 4. Sanrio owns many U.S. Certificates of Copyright Registration for artwork
8 depicting the Sanrio Characters, including the following Registration Nos.: VA 130-420, VA 1-
9 303-874 and Vau 684-322 and VA 1-342-775 (HELLO KITTY); VA 707-212 and VA 636-579
10 (KEROPPI); and VA 1-296-111 (CHARMMY KITTY) (the "Sanrio Registered Copyrights").

11 5. Sanrio owns several U.S. Trademark registrations, including U.S. Trademark
12 Registration Nos. 1,200,083 and 1,277,721 for the design trademark depicting the head of the
13 HELLO KITTY character; and 1,215,436 and 1,279,486 for the word mark HELLO KITTY, all
14 of which are incontestable (collectively, "Sanrio's Registered Trademarks").

15 6. In addition to owning the foregoing federal trademark registrations, Sanrio owns
16 all common law rights (including trademark and trade dress rights) to the HELLO KITTY
17 character name and design, and the KEROPPI and CHARMMY KITTY character designs
18 (collectively, "Sanrio's Common Law Trademarks").

19 7. Defendants are entities or individual residents of California, who were at all
20 relevant times actively engaged in the operation, management and/or control of certain retail
21 businesses called Amuse (the "retail stores"), and a wholesale business called Amuseco, all
22 located in various counties in California.

23 8. During all times relevant to this action, Defendants were not authorized to
24 advertise, manufacture, import, distribute, or sell Sanrio merchandise.

25 9. During various times in the past, Defendants distributed, through Amuseco, and
26 advertised, displayed and offered for sale at their retail stores, various infringing or counterfeit
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1 products depicting the HELLO KITTY character, and/or the KEROPPI and/or CHARMMY
2 KITTY characters (the "Counterfeit Merchandise").

3 **STIPULATED CONCLUSIONS OF LAW**

4 10. The Court has jurisdiction over the subject matter of this civil action.

5 11. Sanrio owns valid copyrights, trademarks and trade dress in the name and design
6 of the HELLO KITTY, KEROPPI and CHARMMY KITTY characters.

7 12. The Counterfeit Merchandise advertised, distributed and sold by Defendants
8 contained infringing or counterfeit versions of Sanrio's Registered Copyrights, Sanrio's
9 Registered Trademarks, and Sanrio's Common Law Trademarks.

10 13. The acts of Defendants constituted copyright infringement, in violation of 17
11 U.S.C. § 501.

12 14. The acts of Defendants constituted trademark and trade dress infringement, in
13 violation of 15 U.S.C. §§ 1114, 1125(a).

14 15. The acts of Defendants constituted unfair competition in violation of 15 U.S.C.
15 §1125(a) et seq., as amended, Cal. Bus. & Prof. Code § 17200 et seq.; and common law.

16 The Parties, either themselves or through their undersigned counsel, hereby stipulate to
17 the above facts and conclusions and consent to the entry of Judgment on Consent pursuant to the
18 separately filed Proposed Judgment on Consent, and to entry of an Amendment to the Judgment
19 on Consent pursuant to the Settlement Agreement in the form attached thereto in the event of a
20 default in the payments provided in the Settlement Agreement.

21 IT IS SO STIPULATED.

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23 OWEN, WICKERSHAM & ERICKSON, P.C.

24 Date: May 12, 2011

25 By: /Noel M. Cook
26 NOEL M. COOK
27 LINDA JOY KATTWINKEL
28 Attorneys For Plaintiffs
SANRIO COMPANY, LTD.
SANRIO, INC.

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2
3 BLEDSON, CATHCART, DIESTEL,
4 PEDERSEN & TREPPA, LLP

5 Date: May 12, 2011

6 By: /L. Jay Pedersen
7 L. JAY PEDERSEN
8 JOSHUA N. ROSEN
9 Attorneys for Defendant
10 ACCESSITIVE ACCESSORIES, INC.

11 TINGLEY PIONTKOWSKI LLP

12 Date: May 12, 2011

13 By: /Bruce C. Piontkowski
14 BRUCE C. PIONTKOWSKI
15 JONATHAN A. MCMAHON
16 Attorney for Defendants
17 J.I.K. ACCESSORIES, INC.
18 ACCESSITIVE ACCESSORIES, INC.
19 B.B. APPARELS INC.
20 AMUSECO ACCESSORIES, INC.
21 JOON SIK BAE A/K/A JASON BAE
22 ANDY BAE and BRIAN BAE

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IT IS SO ORDERED AND ADJUDGED.

Dated this 13th day of May, 2011.

HON. MARILYN H. PATEL
U.S. DISTRICT COURT

